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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,199	01/02/2001	Timothy Michael Ebertshauser	9D-EC-19347-Ebertshauser	8539

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EXAMINER

DANG, THANH HA T

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,199

Applicant(s)

EBERTSHAUSER, TIMOTHY
MICHAEL

Examiner

Thanh-Ha Dang

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 and 57-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 22-56, 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Elected Claims 1-17, 22-56 and 61 are rejected in this Office Action.

Election/Restrictions

2. Applicant's election with traverse of Species I, Claims 1-17, 22-56 and 61 in the reply filed on 07/24/06 is acknowledged. Species II, Claims 1, 18, 40 and 57; Species III, Claims 1, 19, 40 and 58; Species IV, Claims 1, 20, 40 and 59; and Species V, Claims 1, 21, 40 and 60 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected.

Response to Arguments

3. Applicant's remarks on page 3, paragraph 2 stated that "the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". In response to Applicant's remarks, burden is not a determining factor for restriction as it is neither measurable nor a concrete support. As such any argument against the restriction imposed formed basis upon burden is not persuasive. Unless Applicant is willing to attest that all various species are not patentably distinct, the argument alleging that all species are related is not persuasive. As presented, all

species are clearly patentably distinct from each other such that a search or patentability consideration for one is not needed for another.

Information Disclosure Statement

4. No Information Disclosure Statement filed on record.

Oath/Declaration

5. The Oath/Declaration submitted 2 January 2001 has no inventor's signature, does not identify the citizenship of inventor, does not identify the city and either state or foreign country of residence of inventor.

Applicant is required to furnish either a new oath or declaration in proper form, identifying the application by application number and filing date, or a certificate by the officer before whom the original oath was taken stating that the oath was executed within the jurisdiction of the officer before whom the oath was taken when the oath was administered. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

Drawings

6. The drawings are informal. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action.

The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, 10-17, 22-25, 28-30, 32-42, 45-47, 49-56 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.

US2002/0138289 issued to Thielges et al. ("Thielges"), and further in view of U.S. Patent No. 6,853,958 issued to Turin et al. ("Turin").

As to **Claims 1, 23 and 40**: *Thielges teaches a method of maintaining information regarding an item, comprising:*

- *receiving information regarding at least one specification for the item, wherein the item requires maintenance (Figure 2, block202, page 3 [0043-0044]);*
- *Thielges does not explicitly teach storing the information in an electronic database; providing electronic access to the information; and providing additional information related to the item based on the information in order to encourage commerce related to the item. However,*

Turin teaches storing the information in an electronic database (column 12, line 57); providing electronic access to the information (Figure 4 wherein the website400 provides electronic access to the information, column 9, lines 11-20); and providing additional information related to the item based on the information in order to encourage commerce related to the item (Figure 5, block522, column 13, lines 18-24).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine system and method for collecting and disseminating household information and for coordinating repair and maintenance services teaching of Turin with system and method for managing property teaching of Thielges to provide method and system which improve and

overcome limitations of conventional repair and maintenance identification methods.

As to **Claims 2, 24 and 41**: *Thielges in combination with Turin teaches further comprising sending the information from a first computing unit (Turin, Figure 2, block224) prior to the receiving, wherein the receiving comprises receiving the information at a second computing unit (Turin, Figure 2, block208) coupled to the first computing unit via a communications network (Turin, Figure 2, label 222, column 8, lines 60-67).*

As to **Claims 3, 25 and 42**: *Thielges in combination with Turin teaches wherein the receiving comprises receiving the information at a second computing unit coupled to the first computing unit via a global computer network (Turin, Figures 2-3, wherein block304 and block222 illustrate a global computer network).*

As to **Claims 6, 28 and 45**: *Thielges in combination with Turin teaches wherein providing electronic access comprises providing electronic access to the information via a computing unit coupled to the electronic database via a communications network (Turin, Figure 3, column 8, lines 62-67).*

As to **Claims 7, 29 and 46**: *Thielges in combination with Turin teaches wherein providing electronic access comprises providing electronic assess to the information via a computing unit coupled to the electronic database via a global computer network (Turin, Figure 3, column 8, lines 62-67).*

As to **Claims 8, 30 and 47**: *Thielges in combination with Turin teaches further comprising associating a unique data pattern with the information for access thereto, and wherein providing electronic access is only performed if the unique data pattern is first received (Turin, Figure 4, column 9, lines 11-17).*

As to **Claims 10, 32 and 49**: *Thielges in combination with Turin teaches wherein providing the additional information is performed in response to a request therefor (Thielges, Figure 2 wherein block202 represents a request, page 3 [0043] and block220 illustrates the performed additional information in response to the request, page 3 [0044]).*

As to **Claims 11, 33 and 50**: *Thielges in combination with Turin teaches wherein providing the additional information comprises:*

- receiving a request for at least one cost quote from at least one provider for work desired respecting the item (*Thielges, Figure 17, page 2 [0035]*);
- obtaining the at least one cost quote (*Thielges, Figure 17, page 3 [0037]*); and
- returning the at least one cost quote to the requestor (*Thielges, Figure 3, block310, page 4 [0046]*).

As to **Claims 12, 34 and 51**: *Thielges in combination with Turin teaches wherein receiving the request comprises electronically receiving the request (Thielges, page 3 [0036]) and providing at least some of the information stored in the database to the at least one provider to determine the at least one cost quote (Thielges, Figure 3, page 3 [0036], wherein step306 and 310 provide information*

stored in the database to at least one provider to determine at least one cost quote).

As to **Claims 13, 35 and 52**: *Thielges in combination with Turin teaches wherein the requesting comprises: associating at least one temporary data pattern with the item (Thielges, Figure 1, block102 wherein the invitation code is equivalent to a temporary data pattern, page 3 [0039]); and providing the at least one temporary data pattern to the at least one provider for temporary access to the information thereby (Thielges, page 3 [0039] wherein access parameter is equivalent to a temporary access).*

As to **Claims 14, 36 and 53**: *Thielges in combination with Turin teaches further comprising associating a temporary data pattern with the item for allowing temporary access to at least some of the information by a potential purchaser of the item (Thielges, page 3 [0039] wherein access parameter is equivalent to a temporary access):*

As to **Claims 15 and 54**: *Thielges in combination with Turin teaches further comprising associating a data pattern with the information for full access thereto, wherein providing electronic access (Thielges, Figure 1, block110, 114, 116, 120, and 122, page 3 [0041]) is performed only if the data pattern is first received, the method further comprising providing the data pattern to the potential purchaser for full access to the information upon purchasing the item (Thielges, Figure 1, block110, 114, 116, 120, and 122, page 3 [0042]).*

As to **Claims 16 and 55**: *Thielges in combination with Turin teaches further comprising associating a new data pattern with the item and disassociating the data pattern from the item (Thielges, page 3 [0040] wherein restricting a user from a user type is equivalent to disassociating the data pattern from the item).*

As to **Claim 37**, *Thielges in combination with Turin teaches further comprising means for associating a unique data pattern with the information for at least partial access thereto (Thielges, page 3 [0040] wherein restricting a user from a user type and company is equivalent to associating a unique data pattern with the information for at least partial access).*

As to **Claim 38**, *Thielges in combination with Turin teaches further comprising means for associating a different unique data pattern with the item and disassociating the unique data pattern from the item (Thielges, Figure 1, block106-120, page 3 [0041]).*

As to **Claims 17, 39 and 56**: *Thielges in combination with Turin teaches wherein providing the additional information comprises providing information regarding at least one of repairs, maintenance, upgrades, add-ons, complementary products, replacements, and costs for work respecting the item (Thielges, page 3 [0038]).*

As to **Claim 22 and 61**: *Thielges in combination with Turin teaches wherein providing the additional information comprises electronically providing*

the additional information (*Thielges, page 3 [0036] wherein e-mail, fax, personal digital assistant, etc. are tools to electronically providing additional information*).

Claims 4-5, 9, 26-27, 31, 43-44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No. US2002/0138289 issued to Thielges et al. ("Thielges"), and further in view of U.S. Patent No. 6,853,958 issued to Turin et al. ("Turin") as applied to Claims 1, 23 and 40 above respectively, and further in view of U.S. Patent No. 6,922,701 issued to Ananian et al. ("Ananian").

As to Claims 4, 26 and 43:

Thielges in combination with Turin teaches the elements of Claims 1, 23 and 40 as stated above respectively.

Thielges in combination with Turin does not explicitly teach further comprising transferring the information from another database prior to the receiving, wherein the receiving comprises receiving the information from the another database. However,

Ananian teaches further comprising transferring the information from the another database (Figure 1, block100) prior to the receiving, wherein the receiving comprises receiving the information from another database (Figure 1, block40/block130).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine generating cad independent interactive physical

description remodeling, building construction plan database profile teaching of Ananian with system and method for collecting and disseminating household information and for coordinating repair and maintenance services teaching of Turin with system and method for managing property teaching of Thielges to provide method and system which implement method of interactively profiling a structure with a web browser over the internet to improve and overcome limitations of conventional repair and maintenance methods.

As to Claims 5, 27 and 44:

Thielges in combination with Turin teaches the elements of Claims 1, 23 and 40 as stated above respectively.

Thielges in combination with Turin does not explicitly teach wherein the storing comprises storing the information in a relational electronic database. However,

Ananian teaches wherein the storing comprises storing the information in a relational electronic database (Ananian, column 11, line 47).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine generating cad independent interactive physical description remodeling, building construction plan database profile teaching of Ananian with system and method for collecting and disseminating household information and for coordinating repair and maintenance services teaching of Turin with system and method for managing property teaching of Thielges to

provide method and system which implement method of interactively profiling a structure with a web browser over the internet to improve and overcome limitations of conventional repair and maintenance methods.

As to Claims 9, 31 and 48:

Thielges in combination with Turin teaches the elements of Claims 1, 23 and 40 as stated above respectively.

Thielges in combination with Turin does not explicitly teach wherein the item comprises a building, and wherein the information comprises at least one of building plans, a building material identification, a building component identification, an appliance identification, and a contractor identification. However,

Ananian teaches wherein the item comprises a building (Abstract), and wherein the information comprises at least one of building plans, a building material identification, a building component identification, an appliance identification, and a contractor identification (column 8, lines 57-60).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine generating cad independent interactive physical description remodeling, building construction plan database profile teaching of Ananian with system and method for collecting and disseminating household information and for coordinating repair and maintenance services teaching of Turin with system and method for managing property teaching of Thielges to

provide method and system which implement method of interactively profiling a structure with a web browser over the internet to improve and overcome limitations of conventional repair and maintenance methods.

Citation of Pertinent Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Thomas J. Perkowski (US Patent No. 6,625,581), "Method of and System for Enabling the Access of Consumer Product Related Information and the Purchase of Consumer Products at Points of Consumer Presence on the World Wide Web (WW) at which Consumer Product Information Request (CPIR) Enabling Servlet Tags Are Embedded Within HTML-Enclosed Documents".
- Murakami et al. (US Patent No. 6,772,096), "Remote Maintenance System".
- Natalini et al. (Pub. No. US2002/0095269), "System for Monitoring and Servicing Appliances".
- Kari M. Maki (Pub. No. US2002/0052715), "Maintenance Management System for a Production Plant".
- Jeffrey Todd Di Lallo (Pub. No. US2002/0010613), "Managed Automobile Repair and Preventive Maintenance System".
- Dennis a. Borugian (US Patent No. 6,701,231), "Vehicle Security and Maintenance".

- Wight et al (US Patent No. 6,917,941), "Method and Apparatus for Creation and Maintenance of Database Structure".
- Endo et al. (Pub. No. US2002/0010662), "Component Management System and Method".
- Dragon et al. (US Patent No. 6,625,616), "Method and Apparatus for Material Requirements Planning".
- Hull et al. (US Patent No. 6,598,056), "Remotely Accessible Building Information System".
- Joel L. Singer (Pub. No. US2002/0111846), "System and Method for Automatic Maintenance Reminders".

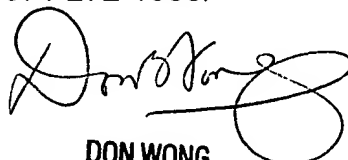
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanh-Ha Dang
Examiner
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